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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/510,057
Filing Date: October 04, 2004
Appellant(s): KENDALL ET AL.

Reitseng Lin
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 04/13/2009 appealing from the Office action mailed 11/13/2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest in contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Duperrouzel et al. (US Patent #7,149,982)

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duperrouzel et al. (US Patent #7,149,982), hereinafter referred to as Duperrouzel.

Duperrouzel discloses a system and method for saving user-specified views of internet web page displays.

Regarding claim 1, Duperrouzel discloses, a method of communicating electronic information using a browser, the method comprising the steps of:

a. invoking the browser in a display device (Duperrouzel, col.1 ln.34-39, col.2 ln.28-39, col.5 ln.63-67);

b. accessing a web page in response to a viewer specifying a URL In the browser (Duperrouzel, col.6 ln.53-67);

c. retrieving a viewer adjustable setting for the URL from a memory (Duperrouzel, col.2 ln.40-48, col.2 ln.63-67, col.6 ln.53-67. Duperrouzel discloses that the previously-stored user-selected settings of a web page is retrieved, and it is inherent in that the URL is associated with identifying a web page, as the URL is the address of a web page.);

f. automatically applying the current state of the viewer adjustable setting to the web page a next time the web page is accessed (Duperrouzel, col.2 ln.40-48, col.2 ln.63-67, col.6 ln.53-67).

However, Duperrouzel fails to explicitly disclose that the settings are *automatically saved in response to a signal for exiting the web page*. Duperrouzel discloses instances where the user manually saving the settings for a web page before leaving a web site. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Duperrouzel to automatically save the settings of the web site when leaving the web site. One would have been motivated to do so to minimize human intervention for a comfortable user experience. Various autosave mechanisms have been used in a plurality of systems for a comfortable user experience and fast-recovery of data.

The Examiner asserts that broadly providing an automatic means to replace a manual activity which accomplishes the same results is not sufficient to distinguish over the prior art. (See below)

III. AUTOMATING A MANUAL ACTIVITY

In re Venner, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958) (Appellant argued that claims to a permanent mold casting apparatus for molding trunk pistons were allowable over the prior art because the claimed invention combined “old permanent-mold

structures together with a timer and solenoid which automatically actuates the known pressure valve system to release the inner core after a predetermined time has elapsed.” The court held that broadly providing an automatic or mechanical means to replace a manual activity which accomplished the same result is not sufficient to distinguish over the prior art.).
<<MPEP 2144.04>>

Regarding claim 2, Duperrouzel disclosed the limitations, as described in claim 1, and further discloses a method wherein the viewer adjustable setting includes at least one of a text setting and a graphics setting (Duperrouzel, col.8 ln.13-25, col.13 ln.60-62).

Regarding claim 3, Duperrouzel disclosed the limitations, as described in claim 1, and further discloses, a method wherein the web page is displayed on a display other than a computer monitor selected from a television screen, a cell phone, and a personal data assistant (Duperrouzel, col.1 ln.40-44).

Regarding claim 4, Duperrouzel disclosed the limitations, as described in claim 1, and further discloses, a method wherein the URL Is specified in the browser by entering the URL in an address box field in the web browser, by clicking on a hyperlink, or by selecting a favorite or bookmark from a stored list (Duperrouzel, col.1 ln.55-57, col.6 ln.54-67, col.11 ln.38-43, col.10 ln.14-17).

Regarding claim 5, Duperrouzel discloses, a method of displaying a web page with a user-preferred format setting for the web page, the method comprising the steps of:

a. receiving a user input representing the user-preferred format setting for the webpage while the web page is displayed (Duperrouzel, col.2 ln.36-40, col.2 ln.54-67, col.3 ln.1-12, col.3 ln.65-col.4 ln.5, col.11 ln.49-53);

c. automatically applying the user-preferred format setting to the web page a next time the web page is accessed (Duperrouzel, col.2 ln.40-48, col.2 ln.63-67, col.3 ln.2-12, col.6 ln.53-67).

However, Duperrouzel fails to explicitly disclose that the settings are automatically saved. Kopchik discloses a method and apparatus for wirelessly establishing user preference settings on a computer. Kopchik further discloses a method comprising the steps of: b. automatically storing the user-preferred format setting in association with a URL for the web page in response to a signal for exiting the web page (Kopchik, Abstract, col.6 ln.40-51). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Duperrouzel with those of Kopchik to implement an automatic settings/configuration saving feature. One would have been motivated to do so in order to decrease human intervention with the system, allowing a more comfortable experience during browsing.

Regarding claim 6, Duperrouzel disclosed the limitations, as described in claim 5, and further discloses, a method wherein the user-preferred format setting includes at least one of text and graphics sizing (Duperrouzel, col.8 ln.13-25, col.13 ln.60-62).

Regarding claim 7, Duperrouzel disclosed the limitations, as described in claim 6, and further discloses, a method wherein the web page is displayed on a display other than a computer monitor selected from a television screen, a cell phone, and a personal data assistant (Duperrouzel, col.1 ln.40-44).

Regarding claim 8, Duperrouzel disclosed the limitations, as described in claim 5, and further discloses, a method wherein the web page is accessed the next time by a user clicking on

a hyperlink in a different web page, by a user entering the URL for the web page in an address box on a web browser, or by a user selecting a favorite or bookmark from a stored list (Duperrouzel, col.1 ln.55-57, col.6 ln.54-67, col.11 ln.38-43, col.10 ln.14-17).

Regarding claim 9, Duperrouzel disclosed the limitations, as described in claim 5, and further discloses, a method wherein the user-preferred format setting is stored in association with the URL for the web page in at least one of a history registry and a favorites registry (Duperrouzel, col.2 ln.55-57, col.10 ln.14-17, col.11 ln.38-43. It is inherent in that there is a history registry associated with a web browser in the art, as disclosed by the Applicant in the Background of Art section. As the user-configurations are associated with the URLs previously visited by the user, the user-settings would be associated with URLs in a history registry.).

Regarding claim 10, Duperrouzel disclosed the limitations, as described in claim 5, and further discloses, a method wherein previously selected formats are stored in association with corresponding URLs in a history registry and/or with corresponding URLs in a favorites registry (Duperrouzel, col.2 ln.55-57, col.10 ln.14-117, col.11 ln.38-43. It is inherent in that there is a history registry associated with a web browser in the art. As the user-configurations are associated with the URLs previously visited by the user, the user-settings would be associated with URLs in a history registry.).

Regarding claim 11, Duperrouzel discloses a system for processing requests for web pages comprising:

a. means for fetching a web page upon receipt of a URL request (Duperrouzel, col.6 ln.53-67, col.1 ln.34-39, col.2 ln.28-39, col.5 ln.63-67);

b. means for receiving a user adjustable format preference for the web page (Duperrouzel, col.2 ln.40-48, col.2 ln.54-67, col.3 ln.2-12);

d. means for automatically applying the current user adjustable format preference to the web page a next time the web page is fetched (Duperrouzel, col.2 ln.40-48, col.2 ln.54-67, col.3 ln.2-12, col.2 ln.54-67).

However, Duperrouzel fails to explicitly disclose that the settings are automatically saved. Kopchik discloses a method and apparatus for wirelessly establishing user preference settings on a computer. Kopchik further discloses a method comprising the steps of: c. means for automatically storing a current user adjustable format preference for the web page in response to a signal for exiting the web page (Kopchik, Abstract, col.6 ln.40-51). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Duperrouzel with those of Kopchik to implement an automatic settings/configuration saving feature. One would have been motivated to do so in order to decrease human intervention with the system, allowing a more comfortable experience during browsing.

Regarding claim 12, Duperrouzel disclosed the limitations, as described in claim 11, and further discloses, a system wherein the user adjustable format preference includes at least one of a text preference and a graphics preference (Duperrouzel, col.8 ln.13-25, col.13 ln.60-62).

Regarding claim 13, Duperrouzel disclosed the limitations, as described in claim 11, and further discloses, a system comprising a microprocessor, application program, storage, and I/O components (Duperrouzel, col.4 ln.15-25, col.4 ln.42-45, abstract, col.2 ln.40-42, . It is inherent

that a computer in the system disclosed by Duperrouzel comprises of the following components: microprocessor, application program, storage and I/O components.).

Regarding claim 14, Duperrouzel disclosed the limitations, as described in claim 13, and further discloses, a system further comprising a display selected from a television screen, a cell phone display, and a personal data assistant display (Duperrouzel, col.1 ln.40-44).

Regarding claim 15, Duperrouzel disclosed the limitations, as described in claim 11, and further discloses, a system having means to deliver a web browser to a display, means to receive user selections, and means to format web pages according to stored user preferences associated with a corresponding URL (Duperrouzel, col.1 ln.34-39, col.2 ln.28-39, col.5 ln.63-67, col.4 ln.15-25, col.2 ln.40-48, col.2 ln.54-67, col.3 ln.2-12).

Regarding claim 16, Duperrouzel discloses, a computer program embodied on a computer readable medium for displaying a web page with user-preferred formatting for that web page, the computer program comprising:

a. a code segment for receiving user adjustable format selections for a displayed web page (Duperrouzel, col.2 ln.36-40, col.2 ln.54-67, col.3 ln.1-12, col.3 ln.65-col.4 ln.5, col.11 ln.49-53),

b. a code segment for receiving a next request for the URL, and for automatically retrieving the current user adjustable format selection in response to the next request (Duperrouzel, col.2 ln.40-48, col.2 ln.63-67, col.3 ln.2-12, col.6 ln.53-67); and

c. a code segment for automatically displaying the web page with the current user adjustable format selection in response to the next request (Duperrouzel, col.2 ln.40-48, col.2 ln.63-67, col.3 ln.2-12, col.6 ln.53-67).

However, Duperrouzel fails to explicitly disclose that the settings are automatically saved. Kopchik discloses a method and apparatus for wirelessly establishing user preference settings on a computer. Kopchik further discloses a method comprising the steps of: automatically storing a current user adjustable format selection in association with a URL for the displayed web page in response to a signal for exiting the displayed web page (Kopchik, Abstract, col.6 ln.40-51);. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Duperrouzel with those of Kopchik to implement an automatic settings/configuration saving feature. One would have been motivated to do so in order to decrease human intervention with the system, allowing a more comfortable experience during browsing.

Regarding claim 17, Duperrouzel disclosed the limitations, as described in claim 16, and further discloses, a computer program wherein the code segment for receiving the user adjustable format selections stores the current user adjustable format selection in a primary memory (Duperrouzel, col.1 ln.54-67, col.4 ln.40-59, col.11 ln.49-53).

Regarding claim 18, Duperrouzel disclosed the limitations, as described in claim 16, and further discloses, a computer program of claim 16, wherein the code segment for receiving the user adjustable format selections stores the current user adjustable format selection in a secondary memory (Duperrouzel, col.1 ln.54-67, col.4 ln.40-59, col.11 ln.49-53).

Regarding claim 19, Duperrouzel disclosed the limitations, as described in claim 16, and further discloses, a computer program wherein the code segment for receiving the user adjustable format selections stores the current user adjustable format selection in association with the URL in a history registry and/or in a favorites registry (Duperrouzel, col.2 ln.55-57, col.10 ln.14-17,

col.11 ln.38-43. It is inherent in that there is a history registry associated with a web browser in the art, as disclosed by the Applicant in the Background of Art section. As the user-configurations are associated with the URLs previously visited by the user, the user-settings would be associated with URLs in a history registry).

Regarding claim 20, Duperrouzel disclosed the limitations, as described in claim 16, and further discloses, a computer program, wherein the code segment for receiving the next request for the URL receives the next request from a user clicking on a hyperlink in a different web page, entering the URL in an address box on a web browser, or selecting a favorite or bookmark from a stored list (Duperrouzel, col.1 ln.55-64, col.5 ln.13-15, col.5 ln.43-53).

Regarding claim 21, Duperrouzel disclosed the limitations, as described in claim 16, and further discloses, a computer program wherein one of the user adjustable format selections is text size (Duperrouzel, col.8 ln.13-25, col.13 ln.60-62).

(10) Response to Argument

The Appellant argues that the Examiner has failed to establish a *prima facie* case of obviousness under 35 U.S.C. 103(a), asserting that “the cited prior art, Duperrouzel, fails to teach or suggest the desirability of saving user settings for a web page in response to a signal for exiting the web page, as required by independent claims 1, 5, 11, and 16” (refer to last paragraph of pg.5 of the Appeal Brief filed on 04/13/2009).

In response:

Duperrouzel fails to *explicitly disclose* that the settings are *automatically saved in response to a signal for exiting the web page*. Duperrouzel discloses instances where the user

manually saves the settings for a web page before leaving a web site (Dupperrouzel, Abstract, col.2 ln.54-67, col.9 ln.15-23, col.11 ln.37-63, col.12 ln.15-18, col.13 ln.40-49, col.15 ln.48-52, col.16 ln.48-54), for subsequent automatic recall of the settings when the website is re-visited in the future (Dupperrouzel, col.2 ln.40-col.3 ln.12, col.9 ln.15-23, col.12 ln.28-30, col.14 ln.63-col.15 ln.10, col.16 ln.39-47, col.16 ln.48-54). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Dupperrouzel to automatically save the settings of the web site *upon leaving the web site*, for subsequent automatic recall of the settings when the website is re-visited in the future. One would have been motivated to do so to minimize human intervention for a comfortable user experience, allowing the settings configured prior to exiting the web page to be automatically saved. Various auto-save mechanisms have been used in a plurality of systems for a comfortable user experience and fast-recovery of data.

The Examiner asserts that broadly providing an automatic means to replace a manual activity which accomplishes the same results is not sufficient to distinguish over the prior art. (See below)

III. AUTOMATING A MANUAL ACTIVITY

In re Venner, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958) (Appellant argued that claims to a permanent mold casting apparatus for molding trunk pistons were allowable over the prior art because the claimed invention combined "old permanent-mold structures together with a timer and solenoid which automatically actuates the known pressure valve system to release the inner core after a predetermined time has elapsed." The court held that broadly providing an automatic or mechanical means to replace a manual activity which accomplished the same result is not sufficient to distinguish over the prior art.).
<<MPEP 2144.04>>

The Examiner further asserts that since Dupperrouzel discloses a system wherein the users manually *save the settings prior to exiting a web page, so that subsequent revisits to the*

web page prompts the system to automatically enforce the saved settings/configuration for the web page, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings to automatically save the most recent settings configured by the user for a web page upon exiting the web page.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Edward J Kim/
Examiner, Art Unit 2455

Conferees:

/saleh najjar/

Supervisory Patent Examiner, Art Unit 2455

/David Lazaro/

Primary Examiner, Art Unit 2455